

CONTINUING PATENT APPLICATION TRANSMITTAL
(for Continuing Applications under 37 C.F.R. §1.53(b))

Attorney Docket No. 07189.0028.CPUS02

First Named Inventor or
Application Identifier: **Podolski**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request under 37 C.F.R. §1.53(b) for
filing a:

- () Continuation application,
() Divisional application,
(x) Continuation-in-Part application,

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"

) "Express Mail" Mailing Label Number

) EV 023935077 US

) Date of Deposit November 12, 2003

) I hereby certify that this paper or fee is being deposited with
) the United States Postal Service "Express Mail Post Office
) to Addressee" Service under 37 CFR §1.10 on the date
) indicated above and is addressed to Mail Stop PATENT
) APPLICATION, Commissioner for Patents, P.O. Box 1450,
) Alexandria, VA 22313-1450

) Nate Le
) (Typed or printed name of person mailing)

) Nathan Le
) (Signature of person mailing)

1. (X) Enclosed is a patent application (for continuation, divisional, or **continuation-in-part**
applications) containing:

20 pages of the specification (including claims).

3 sheets of drawings () Formal (x) Informal.

2. () A copy of the executed oath or declaration filed in the prior nonprovisional application is
enclosed.

3. **Inventorship:**

- () A newly-executed oath or declaration and power of attorney is enclosed (for continuation-
in-part applications, or for continuation or divisional applications naming an inventor **not**
named in the prior application) (§1.63(a), (d)(5), and (e)).

- () Because this application is being filed by fewer than all of the inventors named in the prior
application, delete the following inventor(s) named in the prior nonprovisional application
(37 C.F.R. §1.63(d)(1)(2)):

- (x) The names of persons believed to be the actual inventors are set forth in the enclosed
unexecuted oath or declaration and power of attorney (§1.41(a) and §1.53(b)).

4. () Assignment(s) of the invention to _____, and cover sheet are enclosed.

- () A check in the amount of \$_____ to cover the fee for recording the
assignment(s) is enclosed.

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5. (X) The prior application is assigned of record to

ZONAGEN, INC.

Reel 012985 and Frame 0937

6. **Small Entity Status (37 C.F.R. §1.28(a)(2)):**

- (x) Applicant is entitled to Small Entity Status for this application.
- (x) A statement of status as a small entity was filed in the prior application, and small entity status is still proper and desired in this new nonprovisional application.
- () Status as a small entity is *no* longer claimed.

7. () A 37 C.F.R. §3.73(b) statement is enclosed (*where an assignee seeks to take action in a matter before the Patent Office*).

8. () A preliminary amendment is enclosed.

9. **Drawings**

- () Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (*May be used only if signed by person authorized by §1.138 and before payment of base issue fee.*)
- () New formal drawings are enclosed.
- (x) Informal drawings are enclosed.

10. () A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.

11. () An Information Disclosure Statement is enclosed.

() A Form PTO-1449 is enclosed.

() References.

12. () A MicroFiche Computer Program (Appendix) is enclosed.

13. (X) A Return Receipt Postcard is enclosed (MPEP §503).

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14. () A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- () A Computer Readable Copy is enclosed.
- () A Paper Copy (*identical to computer copy*) is enclosed.
- () A Statement Verifying Identity of above copies is enclosed.
15. (X) Priority of application number 60/304,313 filed on July 9, 2001
 in United States is claimed under 35 U.S.C. §119; and PCT/US02/21524,
 filed July 9, 2002.
- () The certified copy of the priority document has been filed in prior application
 number / , filed .
- () A certified copy of the priority document is enclosed.
16. **Power of Attorney**
- (X) The Power of Attorney in the prior application is to:
- (x) David W. Clough, Ph.D. Reg. No. 36,107
 HOWREY SIMON ARNOLD & WHITE, LLP
 321 N. Clark Street, Suite 3400
 Chicago, Illinois 60610
 and other members of the firm.
- (X) Customer Number 22930.
- (X) The power appears in the original papers in the prior application.
- () Since the power does **not** appear in the original papers in the prior application, a
 copy of the power in the prior application is enclosed.
17. () Cancel in this application original claims of the
 prior application before calculating the filing fee. (*At least one original independent claim
 must be retained for filing purposes.*)

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18. Filing Fee Calculation (37 C.F.R. §1.16)

(X) Utility Application

CLAIMS AS FILED – INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		LARGE ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$385.00		\$770.00
TOTAL (No. of claims – 20=)	25	5	X \$9.00	45.00	X \$18.00	
INDEP. (No. of claims – 3=)	8	5	X \$43.00	215.00	X \$86.00	
Assumed no multiple dependent claims – <input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ \$145.00	145.00	+ \$290.00	
Filing Fee =			\$	790.00	\$	

() Design Application (\$165.00/\$330.00) Filing Fee: \$ _____
 () Plant Application (\$255.00/\$510.00) Filing Fee: \$ _____

19. Other Fees

() Recording Assignment [Fee – \$40.00 per assignment] \$ _____
 () Petition fee for filing by other than all the inventors or person on behalf of the inventor where refused to sign or cannot be reached [Fee – \$130.00] \$ _____
 () Other – _____ \$ _____
Total Fees Enclosed \$ _____

20. Method of Payment of Fees

() Enclosed is our firm check in the amount of: \$ _____
 (X) Charge \$ 790.00 to Deposit Account No. 08-3038.

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21. (X) The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 08-3038. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-3038. This sheet is filed in duplicate.

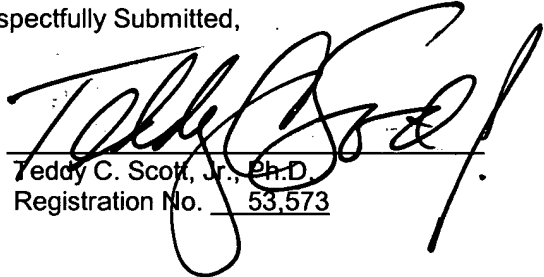
Please direct all future communications to:

HOWREY SIMON ARNOLD & WHITE, LLP

Box No. 34
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Washington, D.C. 20004-2402
(202) 783-0800

Respectfully Submitted,

By:



Teddy C. Scott, Jr., Ph.D.
Registration No. 53,573

November 12, 2003
(Date)

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